

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Howard Lane NE Industrial Owner, §
LLC, §
Plaintiff, §
v. §
Civil & Environmental Consultants, §
Inc., §
Defendant. §

Case No. 1-24-CV-00511-JRN

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Dustin Howell regarding Defendant's motion to transfer venue (ECF No. 6) and Plaintiff's objection and alternative motion for leave to file a sur-reply (ECF No. 10). Judge Howell issued his report and recommendation on November 21, 2024, and it was docketed the same day. ECF No. 22. As of the date of this order, neither party has filed objections to the report and recommendation.


Under 28 U.S.C. § 636(b), a party may serve and file written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation. When no objections are timely filed, the Court reviews the magistrate's report and recommendation for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Because neither party filed timely objections, the Court has reviewed the report and recommendation for clear error. Having found no such error, the Court

adopts the report and recommendation. Accordingly, the Court **ORDERS** that Judge Howell's report and recommendation (ECF No. 22) is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to transfer venue (ECF No. 6) is **DENIED**. It is finally **ORDERED** that Plaintiff's motion for leave to file a sur-reply (ECF No. 10) is **GRANTED** and that Plaintiff's objection (ECF No. 10) is otherwise **DENIED**.

SIGNED on December 12, 2024.



JAMES R. NOWLIN
SENIOR U.S. DISTRICT JUDGE